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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 DEC 19 AM 9:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Desiree Marie PATTON

Defendant.

Magistrate Case No. **07 MJ 2935**BY KWA DEPUTYCOMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **December 18, 2007**, within the Southern District of California, defendant **Desiree Marie PATTON**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Martha Araceli LOPEZ-Yanez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs  
and Border Protection Enforcement OfficerSworn to before me and subscribed in my presence this **19th** day of **December 2007**.
  
UNITED STATES MAGISTRATE JUDGE

**Probable Cause Statement**


The complainant states that **Martha Araceli LOPEZ-Yanez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impractical to secure her attendance at trial by subpoena; and she is material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.


On December 18, 2007 at approximately 1011 hours, a female later identified as **Desiree Marie PATTON (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry, vehicle primary lane #17. Defendant was the sole visible occupant of a blue 1999 Volkswagen Beetle bearing California license plates 4NUF786. Defendant presented to a Customs and Border Protection (CBP) Officer a valid California driver's license bearing her name and photograph. Defendant stated she was not bringing anything from Mexico and stated she was in there visiting her husband. Defendant also claimed ownership of the vehicle. During an inspection of the vehicle, the Officer noticed what appeared to be a non-factory metal plate underneath the dashboard. The Officer then escorted Defendant and the vehicle to the secondary lot for further inspection.

In secondary, CBP Officers removed one female individual from a non-factory dashboard compartment. The female is now identified as **Martha Araceli LOPEZ-Yanez (Material Witness)**. Material Witness was determined to be a citizen of Mexico without documents or other benefits that would permit her legal entry into the U.S.

During a videotaped proceeding, Defendant was advised of her Miranda Rights, acknowledged her rights and agreed to answer questions without the benefit of counsel. Defendant admitted knowledge of the undocumented alien concealed in the vehicle. Defendant admitted to arrangements to receive \$1,000 USD if successful in the smuggling attempt.

A videotaped interview was conducted with the Material Witness. Material Witness stated she is a citizen of Mexico without legal documents to enter the United States. Material Witness stated she made the smuggling arrangements with a male and was to pay a smuggling fee of \$3,500 USD. Material Witness stated she intended to travel to California to seek employment.

  
\_\_\_\_\_  
Signature of Complainant  
Sara Esparagoza, U.S. Customs and  
Border Protection Enforcement Officer

  
\_\_\_\_\_  
United States Magistrate Judge